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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,616	12/11/2003	Rami C. Levy	CE11336J1212	8536

7590

07/31/2006

Larry G. Brown
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EXAMINER

CASCA, FRED A

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,616

Applicant(s)

LEVY ET AL.

Examiner

Fred A. Casca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-15 and 17-22 is/are rejected.
- 7) ☒ Claim(s) 5 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 15, 2005 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al (U.S. Pub. No. 2003/0013456 A1), in view of Lim (U.S. Pub. No. 2004/0097224 A1).

Referring to claim 1, Bates discloses a method of providing information about a communications device (Abstract and paragraph 0006, "method, apparatus and system

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for notifying a user”), comprising the steps of establishing a communications connection between a first mobile communications unit and at least a second mobile communications unit (Figs. 1-2, and paragraphs 0006-0009, note that the two wireless devices 102A and 102B are set up for establishing a communication connection), transmitting from the first mobile communications unit to the second mobile communications unit a condition of at least one operational parameter of the first mobile communications unit (paragraphs 6-9, “first user is notified of the presence of the second user”, note that the location of the mobile terminals is the parameter transmitted), wherein the condition of the operational parameter provides an indication as to the ability of the first mobile communication unit to maintain the communications connection with the second communications unit (figures 1, 4, 5-7, paragraphs 6-9, and 26-27, “user of the portable communication device 102A is notified of the presence of another group member . . . in the same region 106A”, “Suppose the user of portable communication device 102A is a friend or relative of the user portable . . . 102B”, note that the condition parameter (presence or location information) inherently indicates if a mobile communication can be obtained and maintained, e.g., if the locations of the two wireless communication devices are in the same region, and further in the same cell, then a strong signal strength would be established and allow the two users to maintain a communication session), and informing a user of the second mobile communications unit of the conditions of the operational parameters of the first mobile communications unit (paragraph 6-9, “first user is notified of the presence of the second”).

Bates does not specifically disclose once the communications connection has been established, transmitting from the first mobile communications unit to the second mobile

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communications unit a condition of at least one operational parameter of the first mobile communications unit.

Lim discloses once the communications connection has been established, transmitting from the first mobile communications unit to the second mobile communications unit a condition of at least one operational parameter of the first mobile communications unit (abstract, figures 1,2, and paragraphs 4, 6, 10, 12, 21-24, 27 and 46, “The state information of the terminal may include one or more of battery voltage information, an RSSI, and ON/OFF information”, “make a phone call . . . and check his/her position”, “an originating side terminal attempts a recall according to a state of a receiving side terminal”, “after performing a series of operations to establish the call, the user of the receiving side terminal transfers current state information of the receiving side terminal with a response message”, note that once the communication connection has been established, current state information of the receiving side terminal is detected and transmitted in order to predict maintaining the connection. Further note that the state information may include an RSSI value among other things where a RSSI value inherently is calculated with reference to location information).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of Bates by incorporating the teachings of Lim by providing once the communications connection has been established, transmitting from the first mobile communications unit to the second mobile communications unit a condition of at least one operational parameter of the first mobile communications unit, motivation being for the purpose of allowing users to be kept informed continuously if their communication will be maintained.

Referring to claim 2, the combination of Bates/Lim discloses the method according to claim 1, and further disclose the steps of transmitting from the second mobile communications unit to the first mobile communications unit a condition of at least one operational parameter of the second mobile communications unit; and informing a user of the first mobile communications unit of the conditions of the operational parameters of the second mobile communications unit (Bates, paragraphs 0006 and 0026-0027, note that information about the location of the second mobile terminal is automatically sent to the first mobile station through the base station and other network switches).

Referring to claim 3, the combination of Bates/Lim discloses the method according to claim 1, and further disclose the operational parameters of the first mobile communications unit are a signal strength, a battery level, a location, an audio configuration, an alert configuration, a conference indicator or a phone type indicator (Bates, paragraphs 0006 and 0026-0027).

Referring to claim 4, the combination of Bates/Lim discloses the method according to claim 1, and further disclose transmitting step comprises the step of selectively transmitting from the first mobile communications unit to the second mobile communications unit the conditions of the operational parameters of the first mobile communications unit such that the conditions of only selected operational parameters of

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the first mobile communications unit are transmitted to the second mobile communications unit (Bates, paragraphs 0006 and 0026-0027).

Referring to claim 12, Bates discloses a system for providing information about a communications device (Abstract and paragraph 0006, “method, apparatus and system for notifying a user”), comprising a first mobile communications unit having at least one operational parameter, and a second mobile communications unit (Abstract and paragraphs 0006-0008, note that there are two mobile stations and their location is the considered operational parameter), wherein a communications connection is established between the first and second mobile communications units (Figs. 1-2, and paragraphs 0006-0009, note that the two wireless devices 102A and 102B are set up for establishing a communication connection), and at least one condition of the operational parameters of the first mobile communications unit is transmitted from the first mobile communications unit to the second mobile communications unit (Figs. 1-2, and paragraphs 0006-0009, note that the location of the mobile terminals are determined for each other and transmitted), wherein the condition of the operational parameter provides an indication as to the ability of the first mobile communication unit to maintain the communications connection with the second communications unit (figures 1, 4, 5-7, paragraphs 6-9, and 26-27, “user of the portable communication device 102A is notified of the presence of another group member . . . in the same region 106A”, “Suppose the user of portable communication device 102A is a friend or relative of the user portable . . . 102B”, note that the condition parameter (presence or location information) inherently indicates if a mobile communication can be obtained and maintained, e.g., if the locations of the two

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wireless communication devices are in the same region, and further in the same cell, then a strong signal strength would be established and allow the two users to maintain a communication session), wherein the second mobile communications unit has a user interface for informing a user of the second mobile communications unit of the conditions of the operational parameters of the first mobile communications unit (paragraph 0006, note the user is notified about the other user's location, hence there is a user interface for the second mobile unit in order receive notification messages).

Bates does not specifically disclose once the communications connection is established, at least one condition of the operational parameters of the first mobile communications unit is transmitted from the first mobile communications unit to the second mobile communications unit.

Lim discloses once the communications connection is established, at least one condition of the operational parameters of the first mobile communications unit is transmitted from the first mobile communications unit to the second mobile communications unit (abstract, figures 1,2, and paragraphs 4, 6, 10, 12, 21-24, 27 and 46, "The state information of the terminal may include one or more of battery voltage information, an RSSI, and ON/OFF information", "make a phone call . . . and check his/her position", "an originating side terminal attempts a recall according to a state of a receiving side terminal", "after performing a series of operations to establish the call, the user of the receiving side terminal transfers current state information of the receiving side terminal with a response message", note that once the communication connection has been established, current state information of the receiving side terminal is detected and transmitted in order to predict maintaining the connection. Further note that the state

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information may include an RSSI value among other things where a RSSI value inherently is calculated with reference to location information).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Bates by incorporating the teachings of Lim by providing once the communications connection has been established, transmitting from the first mobile communications unit to the second mobile communications unit a condition of at least one operational parameter of the first mobile communications unit, motivation being for the purpose of allowing users to be kept informed continuously if their communication will be maintained.

Referring to claim 13, the combination of Bates/Lim discloses the system according to claim 12, and further disclose the first mobile communications unit has a user interface and the second mobile communications unit has at least one operational parameter, wherein a condition of the operational parameters of the second mobile communications unit is transmitted from the second mobile communications unit to the first mobile communications unit, wherein the first mobile communications unit through the first mobile communications unit user interface informs a user of the first mobile communications unit of the conditions of the second mobile communications unit (Bates, paragraphs 0006 and 0026-0027, note that information about the location of the second mobile terminal is automatically sent to the first mobile station through the base station and other network switches).

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Referring to claim 14, the combination of Bates/Lim discloses the system according to claim 12, and further disclose the operational parameters of the first mobile communications unit are a signal strength, a battery level, a location, an audio configuration, an alert configuration, a conference indicator or a phone type indicator (paragraphs 0006 and 0026-0027).

Referring to claim 15, the combination of Bates/Lim discloses the system according to claim 12, and further disclose the conditions of the operational parameters of the first mobile communications unit are selectively transmitted from the first mobile communications unit to the second mobile communications unit such that the conditions of only selected operational parameters of the first mobile communications unit are transmitted to the second mobile communications unit (Bates, paragraphs 0006 and 0026-0027).

5. Claims 11 and 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al (U.S. Pub. No. 2003/0013456 A1), in view of Lim (U.S. Pub. No. 2004/0097224 A1), and further in view of Collier et al (U.S. Pub. No. 2002/0123309 A1).

Referring to claim 11, the combination of Bates/Lim discloses the method of claim 1.

The combination of Bates/Lim does not specifically disclose the step of modifying the conditions of the operational parameters to enable the second mobile communications unit to process the conditions of the operational parameters.

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Collier discloses a method for providing a user with feed back indicative of link quality, where signal strength (RSSI) is suggested for determining link quality (Abstract, and paragraphs 0005, 0007-0009, 0016, 0022).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method Bates/Lim by providing modifying the conditions of the operational parameters to enable the second mobile communications unit to process the conditions of the operational parameters, e.g., signal strength, as suggested by Collier, instead of location, motivation being to allow the users of probable connection terminations, especially during emergency connections.

Referring to claim 22, the combination of Bates/Lim discloses the system according to claim 12.

The combination of Bates/Lim does not disclose the conditions of the operational parameters are modified to enable the second mobile communications unit to process the conditions of the operational parameters.

Collier discloses a method for providing a user with feed back indicative of link quality, where signal strength (RSSI) is suggested for determining link quality (Abstract, and paragraphs 0005, 0007-0009, 0016, 0022).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of Bates/Lim by providing modifying the conditions of the operational parameters to enable the second mobile communications unit to process the conditions of the operational parameters, e.g., signal strength, as suggested by Collier,

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instead of location, motivation being to allow the users of probable connection terminations, especially during emergency connections.

6. Claim 6-10, and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al (U.S. Pub. No. 2003/0013456 A1), in view of Lim (U.S. Pub. No. 2004/0097224 A1), and further in view of well known prior art (MPEP 2144.03).

Referring to claim 6, the combination of Bates/Lim discloses the method according to claim 4.

The combination of Bates/Lim does not disclose the first mobile communications unit selects the operational parameters.

The examiner takes official notice of the fact that it is well known in the art to select the operational parameters by a processor of the mobile terminals, to select the operational parameters whose condition is transmitted to the second mobile communications unit, motivation being to be consistent with parameter transmission.

Referring to claim 7, the combination of Bates/Lim discloses the method according to claim 1.

The combination of Bates/Lim does not disclose the informing step comprises the step of displaying at least one icon, broadcasting at least one audio tone and causing the second mobile communications unit to vibrate, wherein the icons, audio tones and vibrations correspond to the transmitted conditions of the operational parameters of the first mobile communications unit.

The examiner takes official notice of the fact that it is well known in the art to notify a user of a mobile terminal by displaying at least one icon, broadcasting at least one audio tone and vibration.

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It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Bates/Lim by providing other means of notification, e.g., displaying at least one icon, broadcasting at least one audio tone and causing the second mobile communications unit to vibrate, wherein the icons, audio tones and vibrations correspond to the transmitted conditions of the operational parameters of the first mobile communications unit, motivation being for the purpose of providing a distinguishable notification system to get attention.

Referring to claim 8, the combination of Bates/Lim discloses the method according to claim 7.

The combination of Bates/Lim does not disclose the icons, the audio tones and the vibrations are distinguishable from any second icons, audio tones and vibrations that are used to display, broadcast and inform a user of a condition of operational parameters of the second mobile communications unit.

The examiner takes official notice of the fact that it is well known in the art to have distinguishable notification signals.

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of Bates/Lim by providing distinguishable alerts, motivation being for the purpose of getting the user's attention.

Referring to claim 9, the combination of Bates/Lim discloses the method according to claim 1.

The combination of Bates/Lim does not disclose conditions of the operational parameters are transmitted over a control channel.

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The examiner takes official notice of the fact that it is well known in the art to transmit non-voice signals via the control signals.

It would have been obvious to one the ordinary to modify the system of Bates/Lim by providing the control signals to transmit operational parameters, motivation being to provide a better chance of transmitting those signals.

Referring to claim 10, the combination of Bates/Lim discloses the method according to claim 1.

The combination of Bates/Lim does not disclose the conditions of the operational parameters are transmitted at periodic interval.

The examiner takes official notice of the fact that it is well known in the art to transmit at periodic intervals.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the method of Bates/Lim by providing the conditions of the operational parameters to be transmitted at periodic intervals when the conditions of the operational parameters change from a previous transmission, motivation being to be consistent with parameter transmission.

Referring to claim 17, the combination of Bates/Lim discloses the system according to claim 15.

The combination of Bates/Lim does not the first mobile communications unit has a processor programmed to select the operational Parameters.

The examiner takes official notice of the fact that it is well known in the art to provide a processor to the mobile terminals.

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It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the method of Bates/Lim by providing the processor of the terminal of Bates to be programmed to select the operational parameters whose condition is transmitted to the second mobile communications unit, motivation being to be consistent with parameter transmission.

Referring to claim 18, the combination of Bates/Lim discloses the system according to claim 12.

The combination of Bates/Lim does not specifically disclose the user interface is a speaker, a display, or a vibrator motor, wherein the second mobile communications unit informs the user of the second mobile communication unit of the conditions of the operational parameters of the first mobile communications unit by displaying at least one icon on the display, by broadcasting on the speaker at least one audio tone or by generating a vibration through the vibrator motor, wherein the icons, the audio tones and the vibrations correspond to the transmitted conditions of the operational parameters of the first mobile communications unit.

The examiner takes official notice of the fact that user interface as a speaker, a display, or a vibrator motor and informing the user of another mobile communication unit of the conditions of the operational parameters of the first mobile communications unit by displaying at least one icon on the display, by broadcasting on the speaker at least one audio tone or by generating a vibration through the vibrator motor, wherein the icons, the audio tones and the vibrations correspond to the transmitted conditions of the operational parameters of the first mobile communications unit are well known in the art.

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It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Bates/Lim by providing other means of notification, e.g., displaying at least one icon, broadcasting at least one audio tone and causing the second mobile communications unit to vibrate, wherein the icons, audio tones and vibrations correspond to the transmitted conditions of the operational parameters of the first mobile communications unit, motivation being for the purpose of providing a distinguishable notification system to get attention.

Referring to claim 19, the combination of Bates/Lim discloses the system according to claim 18.

The combination of Bates/Lim does not disclose the icons, the audio tones and the vibrations are distinguishable from any second icons, audio tones and vibrations that are used to display, broadcast and inform a user of a condition of operational parameters of the second mobile communications unit.

The examiner takes official notice of the fact that it is well known in the art to have distinguishable notification signals.

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Bates/Lim by providing distinguishable alerts, motivation being for the purpose of getting the user's attention.

Referring to claim 20, the combination of Bates/Lim discloses the system according to claim 12.

The combination of Bates/Lim does not disclose conditions of the operational parameters are transmitted over a control channel.

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The examiner takes official notice of the fact that it is well known in the art to transmit non-voice signals via the control signals.

It would have been obvious to one the ordinary to modify the system of Bates/Lim by providing the control signals to transmit operational parameters, motivation being to provide a better chance of transmitting those signals.

Referring to claim 21, the combination of Bates/Lim discloses the system according to claim 12.

The combination of Bates/Lim does not disclose the conditions of the operational parameters are transmitted at periodic intervals.

The examiner takes official notice of the fact that it is well known in the art to transmit at periodic intervals.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Bates/Lim by providing the conditions of the operational parameters to be transmitted at periodic intervals when the conditions of the operational parameters change from a previous transmission, motivation being to be consistent with parameter transmission.

Allowable Subject Matter

7. Claims 5 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid, can be reached at (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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SUPERVISORY PRIMARY EXAMINER